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Dated: August 18, 2005

Signature: *Monica L. Thomas*

(Monica L. Thomas)

PATENT & TRADEMARK OFFICE

Docket No.: AH-UTXC:681US  
(PATENT)

US PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
David J. Yang et al.

Application No.: 10/024,678

Filed: December 18, 2001

Art Unit: 3723

For: LOCAL REGIONAL CHEMOTHERAPY AND  
RADIOTHERAPY USING IN SITU  
HYDROGEL

Examiner: B. M. Fubara

REQUEST FOR REFUND

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

On January 14, 2005, Applicants filed both a Notice of Appeal and an Appeal Brief in the above-referenced small entity application and included Check No. 53436 in the amount of \$500.00 (copy enclosed). On April 12, 2005, the Director removed from our Deposit Account No. 06-2375 \$250.00 under Order No. AH-UTXC:681US for a Notice of Appeal fee for the above-referenced application. Enclosed is a copy of the Monthly Deposit Account Statement for April 2005 showing the \$250.00 that was debited under Order No. AH-UTXC:681US and the return receipt postcard indicating that the check for \$500.00 was received for this application.

Applicant hereby requests a refund of \$250.00. Please credit any refund to our Deposit Account No. 06-2375 under Order No. AH-UTXC:681US.

Application No.: 10/024,678

Docket No.: AH-UTXC:681US

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2375, under Order No. AH-UTXC:681US from which the undersigned is authorized to draw.

Dated: August 18, 2005

Respectfully submitted,

By 

Melissa L. Sistrunk

Registration No.: 45,579

FULBRIGHT & JAWORSKI L.L.P.

Fulbright Tower

1301 McKinney, Suite 5100

Houston, Texas 77010-3095

(713) 651-5151

(713) 651-5246 (Fax)

Attorney for Applicant

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FULBRIGHT &amp; JAWORSKI L.L.P.

VENDOR: 177075 Commissioner for Pat

CHECK NO: 53436

APPR#	INVOICE#	DATE	AMOUNT	DESCRIPTION	VOUCH#
01533	01142005/01533	01-14-05	500.00	Filing fee for notice of appeal and appeal brief for AH-UTXC:681US w/USPTO/10112462	10573867

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Houston, Texas 77010-3095

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P.O. Box 3016  
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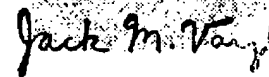
Jan 14, 2005

Amount

\$500.00

PAY: FIVE HUNDRED AND 00/100

TO THE  
ORDER OF  
Commissioner for Patents  
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Alexandria, VA 22313-1450



ADMINISTRATIVE PARTIES

Authorizing Signature

Two Signatures Required if Over \$10,000

⑈53436⑈ ⑆113011258⑆ 0000129909⑈

SECURITY FEATURES INCLUDE VOID PANTOGRAPH, MICRO SIGNATURE LINE &amp; SCREENED BACK PRINTING

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## MONTHLY STATEMENT OF DEPOSIT ACCOUNT

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FULBRIGHT & JAWORSKI LLP  
INTELLECTUAL PROPERTY AND TECHNOLOGY SEC  
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Account No.	062375
Date	4-29-05
Page	1

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DATE POSTED			CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
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AN AMOUNT SUFFICIENT TO COVER ALL SERVICES REQUESTED MUST ALWAYS BE ON DEPOSIT					OPENING BALANCE	TOTAL CHARGES	TOTAL CREDITS	CLOSING BALANCE

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Date	4-29-05
Page	2

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Atty Docket No.: AH-UTXC:681US  
Reference: 10112462 / University of Texas M.D. Anderson Cancer Center  
Inventor: David J. Yang et al.  
Application No.: 10/024,678  
Title: LOCAL REGIONAL CHEMOTHERAPY AND RADIOTHERAPY USING IN SITU HYDROGEL

Filing Date: December 18, 2001

**Documents Filed:**

Appeal Brief in Triplicate (73 pages)(3 Sets Attached)

Notice of Appeal (1 page)

Notice of Appeal from the Examiner to The Board of Patents and Interferences (1 pg.)

Transmittal (1 page)

Fee Transmittal (1 page)

Check in the amount of \$500.00 (Fee for Notice of Appeal and Appeal Brief)

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Date: January 14, 2005

Atty Docket No.: AH-UTXC:681US  
Reference: 10112462 / University of Texas M.D. Anderson Cancer Center  
Inventor: David J. Yang et al.  
Application No.: 10/024,678  
Title: LOCAL REGIONAL CHEMOTHERAPY AND RADIOTHERAPY USING IN SITU HYDROGEL

Filing Date: December 18, 2001

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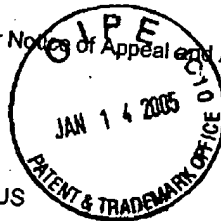
Notice of Appeal from the Examiner to The Board of Patents and Interferences (1 pg.)

Transmittal (1 page)

Fee Transmittal (1 page)

Check in the amount of \$500.00 (Fee for Notice of Appeal and Appeal Brief)

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Sender's Initials: MLS/mlt

Date: January 14, 2005

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PATENT

PTO/SB/21 (09-04)

Approved for use through 07/31/2008. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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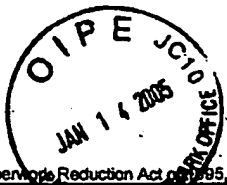
<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/024,678
		Filing Date	December 18, 2001
		First Named Inventor	David J. Yang
		Art Unit	3723
		Examiner Name	B. M. Fubara
Total Number of Pages in This Submission	6	Attorney Docket Number	AH-UTXC:681US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Copy of the Check No. 53436 Deposit Account Statement for 04/05 Return Receipt Postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	FULBRIGHT & JAWORSKI L.L.P.		
Signature	<i>Melissa L. Sistrunk</i>		
Printed name	Melissa L. Sistrunk		
Date	August 18, 2005	Reg. No.	45,579

Transmittal I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 671535901US, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below. Dated: August 18, 2005 Signature: <i>Monica L. Thomas</i> (Monica L. Thomas)	
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<b>NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES</b>		<b>Docket Number (Optional)</b> AH-UTXC:681US	
In re Application of David J. Yang et al.			
Application Number 10/024,678		Filed December 18, 2001	
For LOCAL REGIONAL CHEMOTHERAPY AND RADIOTHERAPY USING IN SITU HYDROGEL			
Art Unit 3723		Examiner Blessing Fubara	
Applicant hereby <b>appeals</b> to the Board of Patent Appeals and Interferences from the last decision of the examiner.			
The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))		\$ 500.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:		\$ 250.00	
<input checked="" type="checkbox"/> A check in the amount of the fee is enclosed.			
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.			
<input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.			
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>06-2375</u> . I have enclosed a duplicate copy of this sheet.			
<input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.			
I am the			
<input type="checkbox"/> applicant /inventor.		<u>Melissa L. Sistrunk</u> Signature	
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)		<u>Melissa L. Sistrunk</u> Typed or printed name	
<input type="checkbox"/> attorney or agent of record. Registration number _____		<u>(713) 651-3735</u> Telephone number	
<input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. <u>45,579</u>		<u>January 14, 2005</u> Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
<input type="checkbox"/> *Total of <u>1</u> forms are submitted.			

<b>Notice of Appeal</b>	
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Dated: January 14, 2005	Signature: <u>Monica L. Thomas</u> (Monica L. Thomas)

Adjustment dates: 11/03/2005 SDIRETA1  
01/21/2005 SSANDARA 00000003 10024678  
01 FC:1402

-500.00 OP

1

11/03/2005 SDIRETA1 00000006 10024678

01 FC:2401

250.00 OP

Repln. Ref: 11/03/2005 SDIRETA1 0010211300  
DA#: 062375 Name/Number: 10024678 \$250.00 CR  
FC: 9204

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Dated: January 14, 2005

Signature: *Monica L. Thomas*

(Monica L. Thomas)

Docket No.: AH-UTXC:681US  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
David J. Yang et al.

Application No.: 10/024,678

Filed: December 18, 2001

Art Unit: 3723

For: LOCAL REGIONAL CHEMOTHERAPY AND  
RADIOTHERAPY USING IN SITU  
HYDROGEL

Examiner: B. M. Fubara

**NOTICE OF APPEAL**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby appeals to the Board of Appeals from the decision of the Patent Examiner dated October 14, 2004, finally rejecting claims 1-3, 5, 8-17, and 126-128 of the above-identified patent application.

Our check in the amount of \$250.00 covering the fee set forth in 37 CFR 41.20(b)(1) is enclosed. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 06-2375, under Order No. AH-UTXC:681US. A duplicate copy of this paper is enclosed.

*Fees Processed*

Dated: January 14, 2005

Respectfully submitted,

By *Melissa L. Sistrunk*  
Melissa L. Sistrunk  
Registration No.: 45,579  
FULBRIGHT & JAWORSKI L.L.P.  
1301 McKinney, Suite 5100  
Houston, Texas 77010-3095  
(713) 651-5151  
(713) 651-5246 (Fax)  
Attorney for Applicant

4/12/2005 YCHADWIC 00000002 062375 10024678

1 FC:2401 250.00 DA

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